

REMARKS

This amendment is filed concurrently with an Appeal Brief in this application in response to the final Official Action mailed **November 13, 2008** (the “Action” or “Office Action”).

Claim Status:

Claims 1-25 are currently pending for further action.

Amendment:

The present amendment is filed to return the indicated language of claim 1 to its original form prior to the most recent amendment before the final Office Action of November 13, 2008. This earlier language is more consistent with both the specification and the other independent claims.

37 C.F.R. §41.33

Because the present amendment is filed prior to an Appeal Brief, 37 C.F.R. §41.33 directs that the amendment be entered under the provisions of 37 C.F.R. § 1.116. Therefore, entry and consideration of this amendment are proper under 37 C.F.R. § 1.116 for at least the following reasons. The present amendment places claim 1 in better condition for appeal as indicated above. The amendment does not raise new issues requiring further search or consideration, as the amendment merely returns the language of claim 1 to its originally examined form and to be more consistent with the other examined claims. Therefore, entry of the present amendment is proper under 37 C.F.R. § 1.116 and is hereby requested.

Prior Art:

All rejections based on prior art are addressed in Applicant's Appeal Brief filed concurrently.

Conclusion:

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

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/Steven L. Nichols/

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